

161—8.5(216) Other selection techniques. Selection techniques other than tests, as defined in 8.1(1), may be improperly used so as to have the effect of discriminating against minority groups. These include, but are not restricted to, unscored or casual interviews and unscored application forms. Where there are data suggesting employment discrimination, the person may be called upon to present evidence concerning the validity of that person's unscored procedures as well as of any tests which may be used, the evidence of validity being of the same types referred to in 8.1(3) and 8.1(4). Data suggesting the possibility of discrimination exists, for example, when there are differential rates of applicant rejection between minority and nonminority or between the sexes for the same job or group of jobs, or when there are disproportionate representations of minority and nonminority or members of one sex among present employees in different types of jobs. If the person is unable or unwilling to perform validation studies, that person has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.